

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

In the Matter of the Search of:

A residence located at 701 15th)
Street NW, Minot, ND 58703,) Case No. 1:19-mj-162
occupied by Marc Dornbach (Year)
of Birth 1986) and Sabine Dornbach)
(Year of Birth 1986).)

TRANSCRIPT OF DIGITAL RECORDING OF
TELEPHONIC APPLICATION FOR SEARCH WARRANT

Taken at
United States Courthouse
Bismarck, North Dakota
May 10, 2019

BEFORE THE HONORABLE CLARE R. HOCHHALTER
-- UNITED STATES DISTRICT COURT MAGISTRATE JUDGE --

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Appearing for the United States:

MR. JONATHAN J. O'KONEK
U.S. Attorney's Office
220 E. Rosser Ave
P. O. Box 699
Bismarck, North Dakota 58502-0699

1 information you're about to provide is the truth, the whole
2 truth to the best of your knowledge and belief?

3 AGENT CHANDLER: I do.

4 THE COURT: Okay. Tell me about the basis for -- and
5 I guess I'll turn it over to AUSA O'Konek to continue the
6 questioning.

7 MR. O'KONEK: Thank you, Your Honor.

8 EXAMINATION

9 BY MR. O'KONEK:

10 Q. Agent Chandler, can you just please briefly take us
11 through where you work, your job title and your job
12 responsibilities?

13 A. I work in the Minot resident agency for the FBI. I'm
14 assigned to the Minneapolis division. I cover Indian country
15 within the Turtle Mountain Indian Reservation and crimes
16 against children, including investigating child pornography.

17 Q. And that's what we're essentially applying for, a warrant
18 regarding allegations of child pornography purchasing, is that
19 right?

20 A. Yes.

21 Q. And can you just take us through briefly how you came to
22 learn that there might be child sexual -- or sexual
23 exploitation or child pornography images at this residence, 701
24 5th -- 15th Street Northwest, Minot, North Dakota?

25 A. Yes. I received information from an agent out of our Salt

11:32

1 Lake City division. So back in December of 2018, the agent was
2 working in an undercover capacity online. He identified a Kik
3 user using the user name 61BP, and that user was later
4 identified. That user was advertising the sale of child
5 pornography on a streaming application called Periscope
6 P-e-r-i-s-c-o-p-e. The advertisement on Periscope saw -- this
7 individual depicted an image of a prepubescent girl. She was
8 nude from the waist down, and she was masturbating.

11:33

9 On top of the image was the advertisement that
10 stated, "I sell young porn videos. Add me on Kik, 61BP." Our
11 online undercover agent then contacted the user on Kik, and
12 that individual advised our online undercover agent that he had
13 a Venmo account and provided that Venmo user name as at AAAXX
14 for payment.

11:33

15 During the conversation between that user and our
16 agent, the -- the individual told our agent a hundred dollars
17 for 200 videos. I accept Venmo and cash app. I will send you
18 MEGA link. MEGA is online digital storage company where users
19 can store videos, images and documents and share the contents
20 with other people by providing links.

11:35

21 Q. And, Agent Chandler, just to kind of clarify a few things,
22 you mentioned that the initial images of child pornography, the
23 child masturbating, was obtained from Kik, is that correct, or
24 was that the Venmail (sic) account?

11:35

25 A. It was on Periscope. That was on Periscope.

1 Q. Okay. On Periscope.

2 A. And then they communicate -- yes, and then they
3 communicated on Kik, and the -- then that individual advised on
4 Kik that for a hundred dollars, they would send the MEGA link
5 so that we could access more child pornography.

6 Q. And what is -- what is Kik messenger?

7 A. Kik is a free mobile application that permits users to
8 send text messages and other content, including video and
9 images, between each other.

10 Q. And does that use the Internet to essentially send images
11 between two different parties?

12 A. Yes, it does.

13 Q. And the Internet is a body or a -- it's a process that
14 affects interstate commerce, is that correct?

15 A. Yes, it does.

16 Q. And in terms of this individual, did you identify -- or
17 did law enforcement identify this individual who was selling
18 images of child pornography?

19 A. Yes, we did, and an Indictment was obtained for his
20 arrest. That individual resides in Saudi Arabia, so the arrest
21 warrant has not yet been executed as far as I'm aware.

22 Q. And what was that individual's name?

23 A. The first name is Ali, A-l-i. Middle initial is M. Last
24 name is A-l-a-n-s-a-r-i.

25 Q. Okay. And the images, after you -- you learned that this

1 individual had been selling child pornography, did you learn to
2 whom he was selling those images?

3 A. Yes. So the FBI sent a subpoena to Venmo, which was the
4 payment processing that Alansari referred to in the
5 communication with the undercover agent. Venmo provided the IP
6 addresses and transaction history for Alansari's Venmo account
7 so that we could identify other Venmo users who were sending
8 money to him for the payment of child pornography.

9 Q. And is --

10 A. Venmo responded and provided us with 38 Venmo accounts
11 that had been used to send money to Alansari for what appeared
12 to be payment for the child pornography.

13 Q. Okay. And --

14 A. One of the Venmo users was identified through the screen
15 name. The screen name was Minot couple, and their user name
16 was at Minot-couple, with a telephone number of 701-721-6222.
17 There was also an e-mail address provided and an IP address of
18 24.54.166.131. The payment was sent to Alansari on 12/28/2018
19 for \$50, and the payment note on the transfer of money was
20 "money."

21 Q. And, Agent Chandler --

22 A. We then sent --

23 Q. -- just to -- to back up just a lit bit, now, what -- what
24 is --

25 A. Sure.

1 Q. What exactly is Venmail (sic)?

2 A. Venmo. It's a way to transfer money between users.

3 Q. And that also is, I'm guessing, using the Internet?

4 A. Yes, it does.

11:38 5 Q. Oh, is -- and how do you spell it? Is it Venmo?

6 A. V-e-n-m-o.

7 Q. Okay. Thank you. I was hearing incorrectly. I
8 appreciate you clarifying that.

9 In terms of the IP address that you discussed, now,
11:38 10 when -- which -- which company or which electronic service
11 provider -- Internet service provider did you get that IP
12 address from?

13 A. From Venmo.

14 Q. And in terms of -- where did that take you in terms of
11:39 15 finding the -- this residence that we are requesting a search
16 warrant for?

17 A. A subpoena was then sent to Midco, Midcontinent --
18 Midcontinent Communications, and that subpoena return
19 subscriber information for the IP address as Marc Dornbach at
11:39 20 address 701 15th Street Northwest, Minot, North Dakota 58703.

21 Q. And is it fair to say then that based upon that IP
22 address, going back to Venmo, you were able to, I guess, track
23 the purchase of child pornography to this address at 701 15th
24 Street Northwest, Minot, North Dakota?

11:39 25 A. Yes, it appears to be the purchase of child pornography to

1 us.

2 Q. Okay. And in terms of -- who else is living at that
3 residence?

4 A. Sabine Dornbach.

11:40

5 Q. Okay. And did you conduct surveillance on this residence
6 in Minot?

7 A. I did.

8 Q. And when did you do that?

9 A. This afternoon.

11:40

10 Q. And what did you learn from your surveillance of the
11 residence?

12 A. The house is located next to an elementary school in
13 Minot. There were two bicycles in front of the residence. One
14 appeared to be an adult bicycle and another appeared to be for
15 a young boy. There was a white Jeep parked in the driveway,
16 but it has a temporary tag in the back window, and the -- it
17 was too dark to read the tag.

11:40

18 Q. And did you also conduct any open-source surveillance of
19 Ms. Sabine Dornbach to see if there was any kids that lived in
20 the residence?

11:40

21 A. I did. I did a search on her Facebook account. I found a
22 Sabine Dornbach on Facebook that stated she lived in Minot,
23 North Dakota, and referenced local businesses in Minot. There
24 were pictures on the Facebook account of a white female with a
25 young white boy.

11:41

1 Q. Okay. And in terms of going back, I guess, to the IP
2 address that you received, what was the date ultimately that
3 you received the IP address from Venmo? I believe you said it
4 was December 2018, is that correct?

11:41

5 A. That's when the initial interaction occurred between our
6 undercover and the Saudi Arabia individual. Our subpoenas went
7 out in -- we sent subpoenas out, it looks like, in January and
8 December of 2018, January 2019, and the subpoena returns were
9 submitted in early to mid January.

11:41

10 Q. Okay. And ultimately were the image that we're -- we're
11 discussing, what -- what are -- what was the evidence of the, I
12 guess, IP address that linked to this residence in Minot to
13 purchasing of child pornography?

11:42

14 A. The IP address was linked to the Venmo account at Minot
15 couple. That -- that IP address wired \$50 to our Saudi Arabia
16 guy's Venmo account.

11:42

17 Q. Okay. And that venmail (sic) account had previously been
18 identified to have an image of child porn -- I shouldn't
19 clarify -- I shouldn't classifying, but it was found to have an
20 image of a prepubescent girl masturbating.

21 A. That Venmo account was what belonged to our Saudi Arabia
22 guy.

23 Q. And ultimately how --

24 A. Does that make sense?

11:42

25 Q. And I just -- I want to clarify for the record. How does

1 that tie back to the image that law enforcement found regarding
2 this other subject in Saudi Arabia, to that image of the young
3 girl masturbating?

11:43 4 A. The -- the Saudi Arabia guy posted the image of the young
5 girl masturbating on his Periscope account. And then from
6 there, the conversation started with the undercover agent, and
7 the Saudi Arabia individual told the undercover agent what his
8 Venmo account name was, and that was the same name used to wire
9 money from our Minot address to the Saudi Arabia guy.

11:43 10 Q. Okay. Thank you.

11 A. Does that make sense?

12 MR. O'KONEK: Yes. I guess those are the only
13 questions I had at this point.

14 THE COURT: I -- I just want to clarify. Earlier
11:43 15 when I spoke of the caption in connection with the search
16 warrant application, I probably didn't mention the case number,
17 which is 1-19-mj-162, including both the application for search
18 warrant and Attachment A thereto.

19 AGENT CHANDLER: And if I may clarify one more thing,
11:44 20 Marc, we have two spellings for him. We're seeing it as
21 M-a-r-c and M-a-r-k.

22 THE COURT: Okay. Anything else?

23 MR. O'KONEK: No, Your Honor.

24 THE COURT: All right. Thank you. Agent Chandler,
11:44 25 we may need you to complete -- to sign the application and the

11:44

1 hard copy. You don't have to do that right now because your
2 testimony is enough for my purposes. Administratively they may
3 need some follow-up paperwork, is all I'm saying, and with that
4 your testimony will be included with the application and the
5 warrant, which I am signing at 17:10 on May 10th.

6 AGENT CHANDLER: Okay.

7 THE COURT: Thank you. We're adjourned.

8 AGENT CHANDLER: Thank you, Your Honor.

9 (Proceedings concluded.)

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